

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

ANTHONY D. PARKS,
PLAINTIFF,

VS.

RUSH ENTERPRISES, INC.,
DEFENDANT.

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}
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No_____

JURY

ORIGINAL COMPLAINT

ANTHONY D. PARKS, hereafter Plaintiff or PARKS files his Original Complaint complaining of DEFENDANT RUSH ENTERPRISES, INC., hereafter Defendant or RUSH, and for cause respectfully shows this Court as follows:

PARTIES

1. Plaintiff is a citizen of the State of Texas.
2. Defendant, DEFENDANT RUSH ENTERPRISES, INC., is a Texas Corporation doing business in, and under the protection of, the laws of the State of Texas. Defendant may be served with process of service by and through its Registered Agent which is Capitol Corporate Services, Inc., 800 Brazos, Suite400, Austin, Texas 78701.

JURISDICTION AND VENUE

3. This cause of action is brought pursuant to the laws and statutes of the United States of America. The amount in controversy is within the limits of this Court. This Court has personal jurisdiction over Defendant and the subject matter alleged herein.

4. This cause of action arose in Lufkin, Texas. Defendant had, and has, a representative and regional office located in Angelina County, Texas. Therefore, venue is proper pursuant to §706(f)(3) of 42 U.S.C. 2000e and 28 U.S.C. 1391 et seq.

5. The term "acts" as used herein shall, mean the acts and/or omissions of Defendant, its agents, employees, representatives, directors and officers

BRIEF FACTUAL SUMMARY

6. The following is a summary of the facts and contentions which Plaintiff asserts in this matter.

6.1 Plaintiff is an African American male and a member of a protected class.

6.2 At all times relevant, Plaintiff was employed by Defendant and was performing in a satisfactory manner.

6.3 Plaintiff's employment was terminated by Defendant on or about January 1, 2011.

6.4 Plaintiff was paid \$17 per hour and promised a per diem of \$71 per day while working in Pennsylvania. When he arrived at the job site, his per diem was paid only at the rate of \$46 per day.

6.5 Other Caucasian male employees were paid at higher rates per hour than Plaintiff and a higher per diem.

6.6 Plaintiff was better educated, better trained and better qualified than those Caucasian employees.

g. Plaintiff timely filed his charge of discrimination and timely filed his original complaint.

All conditions precedent have been fulfilled.

ALLEGATIONS

7. Incorporating the foregoing facts, plaintiff makes the following allegations.

7.1 Violation of 42 U.S.C. §2000e - Race

Plaintiff is a member of a protected class of persons. Defendant discriminated against Plaintiff by paying him at a lower rate than similarly situated Caucasian Employees. Defendant terminated Plaintiff's employment while retaining Caucasian employees. Defendant caused Plaintiff to suffer an adverse employment action in whole or in part because of Plaintiff's race, in violation of 42 U.S.C. 2000e for which Plaintiff is entitled to an award of actual and consequential damages, attorney fees, and costs.

7.2 Mental Anguish

Plaintiff has suffered mental anguish as a result of the acts of Defendant which Plaintiff is entitled to an award of actual and consequential damages.

7.3 Malice

Defendant discriminated against Plaintiff and caused Plaintiff to suffer an adverse employment action in with malice or with reckless disregard for the lawful rights and welfare of Plaintiff which Plaintiff is entitled to an award of actual and consequential damages, attorney fees, and costs.

ATTORNEY FEES

8. Plaintiff has been compelled to retain the services of a licensed attorney in order to protect his lawful rights. Plaintiff is entitled to recover his reasonable attorney fees and costs if he prevails in this matter. Plaintiff requested award of his reasonable attorney fees and costs through this proceeding and at all levels of appeal.

JURY TRIAL

9. Plaintiff requests trial by jury.

PRAYER

10. WHEREFORE, Plaintiff requests that citation issue and Defendant answer and that this matter be set for trial; and, upon trial, that Plaintiff be awarded his actual damages and emotional damages and consequential damages, and costs, as well as punitive damages, and attorney fees, and costs. Plaintiff requests pre-judgment and post-judgment interest. Plaintiff requests award of his reasonable attorney fees and costs through this proceeding and at all levels of appeal. Further, Plaintiff requests such other relief, specific or general, legal or equitable, to which Plaintiff may be justly entitled.

Respectfully submitted,

/s/ Larry M. Champion

Larry M. Champion

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